

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, INC.,

Plaintiff,

v.

AMERICAN HONDA MOTOR CO., INC.,
ELESYS NORTH AMERICA, INC. and
GENERAL MOTORS CORPORATION,

Defendants.

C.A. No. 06-187-GMS

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, INC.

Plaintiff,

v.

HYUNDAI MOTOR AMERICA,
BMW OF NORTH AMERICA, LLC and
KIA MOTORS AMERICA, INC.,

Defendants.

C.A. No. 06-391-GMS

JOINT STATUS REPORT

The Court has stayed these two cases pending reexaminations filed at the USPTO on a number of the patents-in-suit. Pursuant to the Court's direction, the Parties submit a first status report (at the sixth month from the start of the stay).

The five reexaminations filed by counsel for the Honda Defendants remain pending, for: U.S. Patent Nos. 6,712,387 ("387 patent"), 6,484,080 ("080 patent"), 6,325,414 ("414 patent"), 6,757,602 ("602 patent") and 6,942,248 ("248 patent"). Automotive Technologies International, Inc. ("ATI") has filed responses to Office Actions in the reexamination

proceedings of the '602 and '080 patents. Responses to Office Actions in the reexaminations of the '387, '414, and '248 patents are due to be filed shortly.

Given standard timelines at the USPTO, the parties expect that the pending five reexaminations will have reached some initial resolution toward the end of this year to the middle of next year (i.e., either putting a case in condition for issuance of a Certificate of Reexamination, or appeal to the Board of Appeals).

ATI is advised that on August 17, 2007, Elesys North America ("ENA") filed requests for *inter partes* reexamination with the USPTO for two additional patents in suit: U.S. Patent Nos. 6,397,136 ("136 patent") and 6,422,595 ("595 patent"). With respect to each of the '136 and '595 patents, ENA requested reexamination of, *inter alia*, each claim currently asserted by ATI. In addition, the Honda Defendants expect that they will file approximately three additional requests for reexamination for other patents in suit within the next month. ATI reserves comment on all of these new reexamination requests.

Five (5) patents remain in the *Hyundai* suit that are neither pending in reexamination nor the subject of a request for reexamination.¹ These patents are related and/or similar to the patents that are currently pending before the USPTO. As BMWNA continues to monitor the progress of these reexaminations and reexamination requests, BMWNA believes that additional reexaminations may become appropriate for these remaining patents. If BMWNA files additional requests for reexamination, it will so advise the Court.

Given that the reasons the Court originally granted the stay remain unchanged, the Parties will submit another status report on February 21 (six months from now). ATI may

¹ These patents are U.S. Patent Nos. 5,901,978 ("978 patent"), 6,958,451 ("451 patent"), 6,869,100 ("100 patent"), 6,580,824 ("824 patent") and 6,833,516 ("516 patent").

seek to lift the stay earlier if one or more of the reexaminations have concluded with allowed and asserted claims.

Dated: August 21, 2007

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